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JAMES L. BROWNING, JR.
United States Attorney
James A. Bruen
Assistant U.S. Attorney
450 Golden Gate Avenue
San Francisco, California 94102

Attorneys for Defendant
United States of America

UNITED STATES DISTRICT COURT

FOR THE

NORTHERN DISTRICT OF CALIFORNIA

JOHN DOE, et al.,

Plaintiffs,

v.

Civil Action No. C-75-1212-CBR

JOHN McCONE, et al.,

Defendants.

AFFIDAVIT OF WILLIAM E. COLBY

WILLIAM E. COLBY, Director of Central Intelligence, being first duly sworn, deposes and says:

1. I was duly appointed by the President of the United States as the Director of Central Intelligence, and as such am the head of the Central Intelligence Agency (CIA). I assumed the Office of Director on September 4, 1973 and continue to serve in that position. This affidavit is made on the basis of information obtained from review of CIA files, and reflects the institutional knowledge of the Agency.

2. The statutory authorities for and responsibilities of the Director of Central Intelligence and the CIA are contained in section 102 of the National Security Act of 1947, as amended (50 U.S.C. 403).

3. The CIA Soviet mail intercept program, which involved mail sent to and from the Soviet Union, was known by the codeword HTLINGUAL. The mail intercept program involved both mail covers, which consisted of photographing the outside of selected envelopes or covers, and also the opening and photographing of selected envelopes and their contents. The inspection of this mail took place only in the State of New York. After envelopes were

1 photographed under the mail cover program, the sender and the addressees'
2 names were cross-indexed and the names filed within a microfilm program.
3 The information from letters which were opened was likewise indexed to
4 identify the sender and the addressee together with other names contained
5 in the letters. All names acquired from the Soviet mail intercept program
6 were fed into this microfilm program. I am informed that the microfilm is
7 indexed alphabetically so that it will identify any and all such letters when
8 given the names of a sender or recipient of correspondence. I am further
9 informed that no other comprehensive record of individuals whose mail to
10 or from the U.S.S.R. was intercepted exists and that, therefore, a search of
11 this program would be exhaustive. None of the activities with regard to the
12 Soviet mail intercept program took place in the State of California.

13 4. Subsequent to the plaintiff in this suit being identified on December 19,
14 1975 as Stephanie Kipperman, a general search of the files of the Central
15 Intelligence Agency for materials relative to Stephanie Kipperman or
16 Stephanie Probst was conducted. The only documents or information which
17 were located as a result of that search consisted of correspondence which
18 was commenced by a letter dated April 1, 1975 addressed to the Central
19 Intelligence Agency from Steven M. Kipperman, counsel for the plaintiff.
20 A copy of this letter is attached as Exhibit A. All other correspondence
21 between Mr. Kipperman and the CIA, as well as two internal CIA memoranda
22 relating thereto are attached hereto as Exhibits B, C, D, E, F, G, H, I, and
23 J. Mr. Kipperman was advised by letter dated June 3, 1975 (Exhibit J hereto)
24 that the Central Intelligence Agency had found no evidence that this Agency
25 had opened any mail to or from Stephanie Kipperman.

26 5. In addition, I am informed that the program records which
27 contain the names obtained from the mail intercept project HTLINGUAL were
28 again specifically searched on December 22, 1975 under the names Stephanie
29 Kipperman and Stephanie Probst. While I am not personally familiar with
30 or knowledgeable about this search of the HTLINGUAL records, it is my
31 understanding that this search was conducted under the supervision of the
32 custodian, Ethel Mendoza. I am informed that this search concluded that no

1 letters addressed to or sent by Stephanie Kipperman to or from the Soviet
2 Union were opened. The search of the same HTLINGUAL records also concluded
3 that no mail cover was made of any letter addressed to or sent by Stephanie
4 Kipperman.

5 6. I am informed that after a search of applicable CIA files, no
6 administrative claim pursuant to the Federal Tort Claims Act has been received
7 by the Central Intelligence Agency.

8 7. The HTLINGUAL mail intercept program conducted by the Central
9 Intelligence Agency was terminated on February 17, 1973. The Central
10 Intelligence Agency is not involved in any mail intercept or mail cover operations
11 in the United States at this time.

12
13 
14 *William E. Colby*

15 WILLIAM E. COLBY
16 Director of Central Intelligence
17 Washington, D.C. 20505

18 Subscribed and sworn to before me this 12 day of January 1976.

19 *Luis A. Hob*
20 Notary Public

21 My Commission expires 3 November 1979
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EXECUTIVE SECRETARIAT

Routing Slip

TO:		ACTION	INFO	DATE	INITIAL
1	DCI				
2	DDCI				
3	S/MC				
4	DDS&T				
5	DDI				
6	DDA				
7	DDO				
8	D/DCI/IC				
9	D/DCI/NIO				
10	GC	✓			
11	LC				
12	IG				
13	Compt				
14	D/Pers				
15	D/S				
16	DTR				
17	Asst/DCI				
18	AO/DCI				
19					
20					
21					
22					
SUSPENSE		Date			

Remarks:

STATINTL

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Date